

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

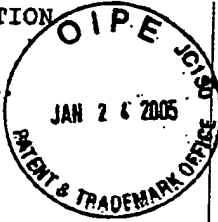
IN RE REISSUE APPLICATION

OF: PEES ET AL.

SERIAL NO. 10/643,707

FILED: AUGUST 20, 2003

FOR: FUNGUCUDAL TRIFLUOROMETHYLALKYLAMINOTRIAZOLOPYRIMIDINES



CONFIRMATION No.: 5127

GROUP ART UNIT: 1624

EXAMINER: S. B. PATEL

*File
purpose
only*

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

January 20, 2005

Date of Deposit

Sabine Berg

Person Making Deposit

Signature

January 20, 2005

Date of Signature

Honorable Commissioner

for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.111

Sir:

In reply to the Office action of July 20, 2004, it is respectfully requested that the following and the attached be entered and considered for further prosecution of the above-identified application:

R E M A R K S

Claims 1 to 6 are currently pending in this case.

The Examiner rejected Claims 1 to 6 as being based on a defective reissue oath giving the following five reasons:

(1) The Examiner noted that the statement under 37 CFR §3.73(b) failed to indicate the date of execution. Applicants herewith submit a supplemental statement which is newly executed giving the date of execution.

(2) The Examiner also noted that the assignee's Declaration failed to

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02/24/2005 DMAIL104 C0000001 110245 10643707

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FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
11	0745
FEE CODE	VALUE FURNISHED
1253/020	8

judicially created doctrine of obviousness-type double patenting. Favorable action is respectfully solicited.

The Examiner noted that neither the specification nor the claims of application Serial No. 08/843,323 were suitable to support the subject matter disclosed and claimed in the present application. It is respectfully urged that the respective support is clearly provided by the disclosure of *PCT/US 98/05615*⁷⁾. Favorable action is respectfully solicited.

The Examiner asked that applicants provide information on any other possibly related application. Accordingly, applicants herewith enclose a supplemental Information Disclosure Statement which lists the art cited in co-pending divisional application Serial No. 09/840,488. Entry and consideration of the attached is respectfully solicited.

For completeness sake, it is also respectfully submitted that applicants will surrender the original ribboned copy of the patent as soon as all other issues in this application have been resolved.

In the event that the Examiner is of the opinion that further explanations or clarifications are necessary or desirable in this matter, applicants would greatly appreciate it if the Examiner would grant their representative the opportunity address such matters in a personal interview to facilitate the proceedings.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a three month extension of time be granted in this case. The Commissioner is hereby authorized to charge the respective \$10200.00 fee to Deposit Account No. 11.0345.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit

⁷⁾ Cf., for example, pages 3 and 4 of the enclosed copy of the Certified Copy of *PCT/US 98/05615*.

Serial No. 10/643,707

. PEES .et al.

ACY33350-02

Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Daniel S. Kim

Reg. No. 51,877

1350 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

Encl.: Supplemental Statement under 37 CFR §3.73(b)
Supplemental Reissue Declaration
Copy of the Certified Copy of *PCT/US 98/05615*
Terminal Disclaimer filed in application Serial No. 09/840,488
Supplemental Information Disclosure Statement

HBK/BAS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

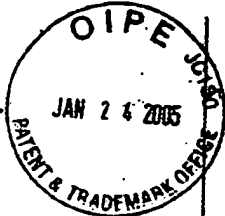
IN RE APPLICATION

OF: PEES ET AL.

SERIAL No. 097840,488

FILED: APRIL 23, 2001

FOR: FUNGICIDAL TRIFLUOROMETHYLALKYLAMINOTRIAZOLOPYRIMIDINES



CONFIRMATION No.: 5506

GROUP ART UNIT: 1624

EXAMINER: MARK L. BIRCH

Full
purpose
only

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

Your Petitioner, BASF Aktiengesellschaft, a corporation of Germany, having a place of business at 67056 Ludwigshafen, is the Assignee of the entire right, title and interest in and to pending U.S. application Serial No. 09/840,488, the assignment recorded in the Patent and Trademark Office on November 16, 2001, on Reel 012276, Frame 0001.

Your Petitioner, by undersigned attorney, hereby disclaims the terminal part of any patent granted U.S. application Serial No. 09/840,488 which would extend beyond the expiration date of U.S. Patent No. 6,255,309, which patent is also owned by Petitioner, and hereby agrees that any patent based on U.S. application Serial No. 09/840,488 shall be enforceable only for and during such period that the legal title of the patent shall be the same as the legal title to U.S. Patent No. 6,255,309, this agreement to run with any patent granted on U.S. application Serial No. 09/840,488, to be binding upon the grantee, its successors or assigns.

Paper No. 10d

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FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
11	0345
FEE CODE	VALUE FURNISHED
1814	120

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⁷⁾ Cf., for example, pages 3 and 4 of the enclosed copy of the Certified Copy of *PCT/US 98/05615*.

Serial No. 10/643,707

PEES et al.

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